

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ALLSTATE INDEMNITY COMPANY

PLAINTIFF

VS.

CASE NO. 15-CV-4032

SANFORD WHITE, *et al*

DEFENDANTS

ORDER

The following motions are before the Court: Plaintiff's Motion for Summary Judgment (ECF No. 21); Defendant-Claimants¹ Motion to Hold Summary Judgment Motion in Abeyance (ECF No. 26); and Plaintiff's Motion for Leave to File Supplemental Brief in Support of Motion for Summary Judgment (ECF No. 35). The Court finds these matters ripe for consideration.

Plaintiff's Complaint (ECF No. 1) seeks a declaration from the Court regarding Plaintiff's contractual obligations to defend and indemnify Defendant-Insured Sanford White in a case pending before this Court, *Vanessa Griffin, et al. v. Tony Alamo, et al.*, Case No. 4:14-cv-4065. Plaintiff filed a Motion for Summary Judgment on October 13, 2015. (ECF No. 26). Defendant-Claimants filed a motion (ECF No. 26) requesting that the Motion for Summary Judgment be held in abeyance until March 1, 2016 so that relevant discovery could be conducted in the underlying case. To date, Defendant-Claimants have not responded to the Motion for Summary Judgment.

¹Defendant-Claimants are Vanessa Griffin, Marcus Griffin, Brooklyn Howard, Alsandra Reid, Alfonso Reid, Angela Ondrisek, Nicholas Broderick, Matthew Broderick, Marissa Broderick, Shaina Broderick, Nathan Griffin, Tonia Griffin, Alexis Broderick and Sheldon Griffis

On December 30, 2015, Defendant-Claimants filed a Third Amended Complaint in *Vanessa Griffin, et al. v. Tony Alamo, et al.* Plaintiff has filed a motion requesting leave to submit supplemental briefing to address new allegations contained in the Third Amended Complaint.

Upon consideration, the Court finds that it would be more appropriate for Plaintiff to update their Motion for Summary Judgment along with their brief. Accordingly, Plaintiff's Motion for Summary Judgment (ECF No. 21) is **DENIED without prejudice**. Defendant-Claimants' Motion to Hold Summary Judgment Motion in Abeyance (ECF No. 26) is **DENIED as moot**. Plaintiff's Motion for Leave to File Supplemental Brief in Support of Motion for Summary Judgment (ECF No. 35) is **GRANTED**. Plaintiff's updated motion and brief are due on or before March 11, 2016. Defendants responses are due on or before April 1, 2016.

IT IS SO ORDERED, this 4th day of March, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge